



Staff Report

June 12, 2018

TO: Honorable Mayor and Members of the Town Council
FROM: Sean Rabé, Town Manager
DATE: June 6, 2018
RE: Approval of Consent to City of Rocklin Representation

Recommendation

Approve Consent to City of Rocklin Representation.

Issue Statement and Discussion

Kronick, Moskovitz, Tiedemann & Girard ("Kronick") has provided service as Town Attorney since 2011. Kronick has also provided special counsel legal services to the City of Rocklin ("Rocklin") for many years, principally on labor and employment matters. Recently Kronick was engaged to represent Rocklin, on an interim basis, as City Attorney (these services will be provided primarily by Mona Ebrahimi.) As you are aware, Loomis is processing an application for a Costco, which project is in proximity to Rocklin's boundaries. The rules applicable to attorneys provide generally that an attorney (in this case a law firm) cannot represent two clients at the same time if there is any potential for the interests of the two parties to be in conflict. Although it does appear likely, there is a possibility that Loomis and Rocklin's interests concerning the Costco project could, at some point in the future, conflict. The Town Attorney has therefore requested that both Loomis and Rocklin agree that Kronick can work on Loomis and Rocklin matters, subject to the following conditions:

1) Kronick will continue to represent Loomis on the Costco project, including the preparation of an Environmental Impact Report; 2) Kronick will not provide legal advice to Rocklin concerning the Costco project; and 3) in the event of litigation between Loomis and Rocklin concerning the Costco project, and for so long as Kronick continues to perform legal services for Rocklin, Kronick will not represent Loomis or Rocklin in the event one city sues the other.

CEQ Requirements

This item is exempt from CEQA because it is of a kind that could not possibly have an environmental impact.

Financial and/or Policy Implications

None.

Attachments

A. Disclosure and Consent to City of Rocklin Representation



400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4500
F | 916.321.4555

Attachment A

Jeffrey A. Mitchell
jmitchell@kmtg.com

June 5, 2018

Mayor Morillas and Members of the City Council
Town of Loomis
3665 Taylor Road
Loomis, CA 95650

Re: Disclosure and Consent to City of Rocklin Representation

Dear Mayor Morillas and Council Members:

We very much appreciate the opportunity to provide legal advice and representation to the Town of Loomis ("Loomis").

Our firm has provided special counsel legal advice to the City of Rocklin ("Rocklin") for many years, principally on labor and employment matters. Recently we have been engaged to represent Rocklin, on an interim basis, as City Attorney. As you are aware, Loomis is processing an application for a Costco, which project is in proximity to Rocklin's boundaries. We have been providing advice and counseling to Loomis on this project; we have not provided advice to Rocklin.

While we do not believe that the services we are providing to Loomis with respect to the Costco project is adverse or potentially adverse to Rocklin (by which we mean that our work for Loomis on the Costco project is not contrary to the interests of Rocklin), the proximity of the project to Rocklin creates at least a theoretical possibility of adversity.

Under California law, a lawyer may not concurrently represent two clients on unrelated matters where they are potentially adverse, without the informed written consent of both clients. While we do not expect Loomis' relationship with Rocklin to become adversarial, we believe it will be important to the maintenance of our ongoing relationship with Loomis and Rocklin to record and document the consent of both Loomis and Rocklin to our concurrent representation subject to the terms and conditions of this letter.

Accordingly, we request that Loomis consent to this joint client relationship and waive the potential conflict of interest, provided that it is understood and agreed, both by Kronick, Moskowitz, Tiedemann & Girard ("Kronick") and by Rocklin, that: 1) Kronick will continue to represent Loomis on the Costco project, including the preparation of an Environmental Impact Report; 2) Kronick will not provide legal advice to Rocklin concerning the Costco project; and 3) in the event of litigation between Rocklin and Loomis concerning the Costco project, and for so long as Kronick continues to perform legal services for Rocklin, Kronick will not represent Loomis or Rocklin in the event one city sues the other. We believe that litigation, while always possible, is unlikely.

We emphasize that the consent of each client is to be conditioned on the consent of the other client to this joint client relationship. To indicate your consent, subject to the foregoing limitations

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and conditions, please sign and return one copy of this letter to the undersigned at your earliest convenience.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



JEFFREY A. MITCHELL

CONSENTED TO AND AGREED:

TOWN OF LOOMIS

By

Rhonda Morillas, Mayor

Dated: _____, 2018

